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AT ROANOKE, VA
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DEC 16 2005
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Civil Action No. 7:05cv00758

MEMORANDUM OPINION

By: Samuel G. Wilson
United States District Judge

I.

¹Though Chacon provides little detail regarding his “skin sensitivity,” from the grievances and medical personnel’s responses to those grievances, it appears that he suffers from facial acne.

medication for his "sensitive skin" and should be referred to an outside specialist for further diagnosis or treatment related to his condition.

II.

In order to establish a claim of deliberate indifference under the Eighth Amendment, a plaintiff must show that defendants knew of but disregarded an objectively serious medical need or risk of harm. Estelle v. Gamble, 429 U.S. 97, 104 (1976); Rish v. Johnson, 131 F.2d 1092, 1096 (4th Cir. 1997). Disagreements between an inmate and medical personnel over diagnosis or course of treatment do not state cognizable constitutional claims under the Eighth Amendment. Wright v. Collins, 766 F.2d 841, 849 (4th Cir. 1985); Estelle, 429 U.S. at 105-06. Chacon does not deny that Dr. Williams has examined him on numerous occasions, has rendered a diagnosis, and has administered any medically necessary treatment. Thus, his claims amount to nothing more than a patient-doctor disagreement over diagnosis and treatment, which is not actionable under the Eighth Amendment. Accordingly, the court finds that Chacon has failed to state a claim and dismisses his suit.

III.

For the reasons stated herein, the court dismisses Chacon's suit pursuant to § 1915A(b)(1) for failure to state a claim.

ENTER: This 16th day of December, 2005.



UNITED STATES DISTRICT JUDGE